

Burlington Planning Commission

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Bruce Baker, Vice-Chair
Lee Buffinton
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Harris Roen
Jennifer Wallace-Brodeur
Vacant, Youth Member



Burlington Planning Commission

REGULAR MEETING

Tuesday, July 23, 2013 - 6:30 P.M.

Conference Room #12, Ground Floor, City Hall, 149 Church Street

AGENDA

Note: times given are
approximate unless
otherwise noted.

I. Agenda

II. Public Forum - Time Certain: 6:35 pm

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

III. Report of the Chair (5 min) – Yves Bradley, Chair

IV. Report of the Director (5 min) – David E. White, Director

V. Public Hearing: ZA-13-03 – Residential Parking Requirements – Time Certain 7pm

The Commission will hold a public hearing on the following amendment to the Comprehensive Development Ordinance:

1. **ZA-13-03 – Residential Parking Requirements** The proposed amendment to the Burlington CDO changes parking requirement calculations for residential uses in the city, basing the calculation on the number of bedrooms instead of units, as well as expanding the Shared Use Parking District to include Residential High-Density (RH) Districts. The change is intended to increase the affordability of housing units by reducing the required parking requirements in the downtown and shared parking districts, as well as incentivizing the creation of smaller units. (Modify Section 8.1.4 and Table 8.1.8-1)

VI. Residential Parking Program

The Commission will discuss proposed changes to the Residential Parking Program with the Police Department and Public Works Commission.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

VII. Proposed Zoning Amendments

The Commission will consider two proposed amendments to the Comprehensive Development Ordinance to:

- allow for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.
- provide more flexibility for management and activities of urbanized greenspaces including City Parks by exempting certain activities from requiring zoning permits and allowing for greater lot coverage to recognize actual and future improvements.

VIII. Committee Reports (5 min)

IX. Commissioner Items (5 min)

X. Minutes/Communications

The Commission will review minutes from the July 9, 2013 meeting.

XI. Adjourn (8:00 p.m.)

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-13-03-Residential Parking Standards

As warned by the Planning Commission for public hearing on July 23, 2013.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: Change parking requirements calculations for residential uses, basing the calculation on the number of bedrooms instead of units. The change is intended to increase the affordability of housing units by reducing the required parking requirements in downtown and the shared parking districts, as well as incentivizing the creation of smaller units.

Sec. 8.1.3 Parking Districts

The demand for parking is highly dependent on the context within which a given use or structure is located. Factors such as proximity to other related uses, availability of public transportation, the density of land uses, and the ability to share parking with nearby uses are all factors which influence the demand for individual and dedicated off-site parking. For the purposes of this Article, the following three (3) Parking Districts as illustrated in Map 8.1.3-1 are hereby created:

(a) Neighborhood Parking District:

This parking district establishes the baseline of parking requirements throughout the city where the demand for offsite parking is largely dependent on the needs and characteristics of an individual site or land use.

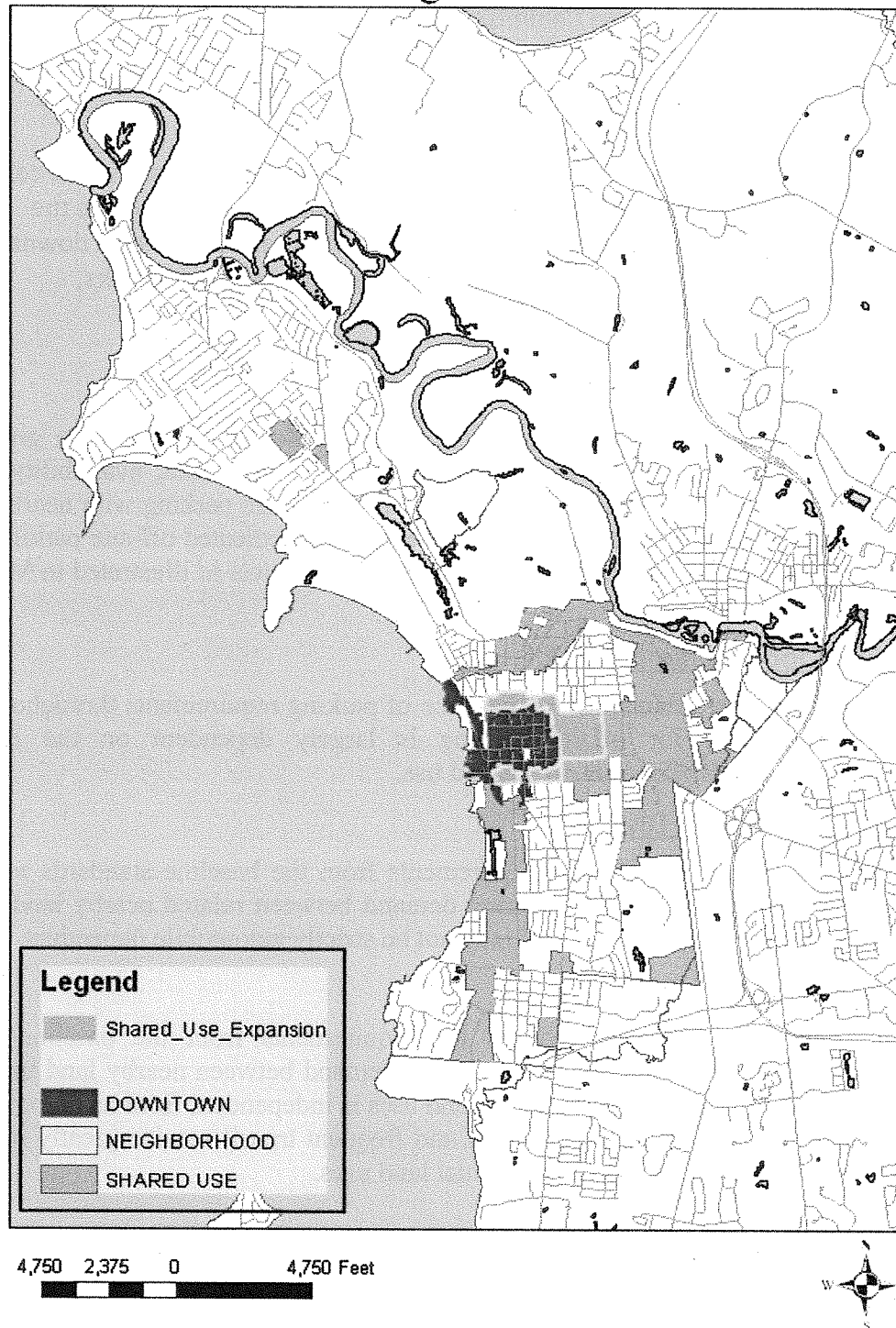
(b) Shared Use Parking District:

This parking district reduces the requirements from the baseline standards recognizing that opportunities exist to share parking demand between related nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Downtown Parking District:

This parking district further reduces the requirements from the baseline standards recognizing that extensive sharing of parking demand between nearby land uses occurs; that a majority of travel to and between land uses is independent from an automobile; and that an array of public parking facilities and frequent transit service greatly reduces the need for independent parking for individual land uses.

Burlington Comprehensive Development Ordinance Parking Districts



Map 8.1.3 - 1 Parking Districts

Sec. 8.1.4 Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be reduced below such requirements. In the event that the kind or extent of use is changed, current parking requirements shall apply if the change results in a greater parking requirement than existing.

Sec. 8.1.8 Minimum Off-Street Parking Requirements

Parking for all uses and structures shall be provided in accordance with Table 8.1.8-1.

- (a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses.
- (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

Table 8.1.8-1 Minimum Off-Street Parking Requirements		
	Neighborhood Districts	Shared Use Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted	
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	4
Single Family detached and Duplex	2	2
Studio/1 Bedroom	1	0.33
2 Bedrooms	2	1
3 Bedrooms	2	1.5
4 Bedrooms	2	2
5+ Bedrooms ¹	3 + 1 per additional bedroom >5	3 + 1 per additional bedroom >5
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted	

¹ 1 parking space per additional bedroom shall not apply to an affordable housing unit or a dwelling unit occupied by a family as either are defined in Article 13: Definitions.

EXISTING

Sec. 27. - No parking except with resident parking permit.

No person shall park any vehicle except vehicles with a valid residential street sticker or a valid guest parking card, or clearly identifiable service or delivery vehicles on any street designated as "residential parking."

- (a) Streets designated for residential parking at all times include:
- (1) Bilodeau Court.
 - (2) Bilodeau Parkway.
 - (3) Case Parkway.
 - (4) On the south side of Colchester Avenue from Latham Court to a point located 100 feet west of the Greenmount Cemetery entrance.
 - (5) East Avenue.
 - (6) Fletcher Place.
 - (7) Latham Court.
 - (8) Nash Place.
 - (9) Thibault Parkway.
 - (10) Harrington Terrace.
 - (11) Summit Street from Maple Street to Cliff Street.
 - (12) North Street from North Prospect Street to Mansfield Avenue.
 - (13) Brookes Avenue from North Williams Street to North Prospect Street.
 - (14) The first 5 spaces west of Pine Street on the north side of Maple Street.
 - (15) On the north side of Colchester Avenue between 254 and 308 Colchester Avenue.
 - (16) The entire length of Henderson Terrace.
 - (17) North Prospect Street from North Street to Pearl Street.
 - (18) Juniper Terrace.
 - (19) Robinson Parkway.
 - (20) All nondefined spaces on the south side of King Street from Pine Street to St. Paul Street.
 - (21) Church Street from Adams Street to Maple Street with the exception of the first 5 spaces north of the intersection of Church Street and Adams Street.
 - (22) The west side of Mansfield Avenue from North Street to Colchester Avenue.
 - (23) Summit Ridge.
 - (24) On the north side of Cliff Street from Prospect Street west to Summit Street.
 - (25) Gove Court.
 - (26) Union Street from Buell Street north to Pearl Street.
 - (27) Brown's Court.
 - (28) University Terrace.
 - (29) West side of Booth Street from Loomis Street to Pomeroy Park.
 - (30) East side of South Prospect Street from the northernmost intersection of Robinson Parkway to Henderson Terrace.
 - (31) South side of Cliff Street between South Union Street and Summit Ridge.

- (32) Lafayette Place.
- (33) Deforest Road.
- (34) Elm Terrace.
- (35) Spaces in front of 331, 325, 321 and 309 South Willard Street.
- (36) Three spaces in front of # 436 Maple Street, 1 space just east of the driveway and the 2 remaining spaces just west of the driveway.
- (37) North Street from High Grove Court to North Prospect Street.
- (38) On the north side of Grant Street from North Union Street to North Winooski Avenue.
- (39) On the west side of Colchester Avenue between 406 Colchester Avenue and Chase Street.
- (b) Streets designated for residential parking at all times for the period beginning May 1st and ending October 1st:
 - (1) On the west side of Oakbeach Drive.
 - (2) On the west side of Southwind Drive.
- (c) Streets designated for residential parking from 12:00 a.m. to 6:00 p.m. include:
 - (1) (Reserved)
 - (2) South Prospect Street from Cliff Street to Henderson Terrace.
- (d) Streets designated for residential parking from 6:00 a.m. to 6:00 p.m., Monday through Friday include:
 - (1) South side of Cliff Street from Summit Ridge to Summit Street.
 - (2) Henry Street from Weston Street to Prospect Street.
 - (3) Reserved.
 - (4) Reserved.
 - (5) Wilson Street.
 - (6) Loomis Street from Mansfield Avenue to North Willard Street.
 - (7) Monroe Street.
 - (8) Johnson Street.
 - (9) George Street.
 - (10) Peru Street.
 - (11) Hungerford Terrace from Bradley Street to College Street.
 - (12) North Champlain Street from Pearl Street to Monroe Street.
 - (13) On the north side of Spruce Street from South Willard Street to South Winooski Avenue.
 - (14) South Union Street from Adams Street to Cliff Street.
 - (15) Prospect Hill.
- (e) Spaces designated as residential parking at all times for the use of car share vehicles only:
 - (1) In the space in front of 190 North Winooski Avenue
 - (2) On the south side of Locust Street in the third space east of the westernmost access road to Calahan Park.
 - (3) On the north side of Main Street in the first space east of Saint Paul Street.
- (f) *Permits.* The Police Department shall issue resident parking permits only to residents of streets, or portions thereof, that are designated "resident parking only" for parking

on that street pursuant to [sub)section (g). In addition the Police Department shall issue resident parking permits to car share organizations for parking on all streets, or portions thereof, that are designated "resident parking only" pursuant to [sub)section (g).

- (1) Except as otherwise provided in [sub)section (g), the holder of the permit shall receive a residential street sticker unless the holder does not own a vehicle in which case no sticker will be issued.
- (2) A maximum of 2 guest parking cards shall be issued to each eligible household for which a permit has been issued.

(g) *Specific conditions.*

- (1) *Proof of residency.* Proof of residency shall include a valid Vermont driver's license with an address on the designated street, section of street or abutting corner parcel and a valid Vermont registration for the vehicle(s) involved. For students, proof of residency shall include a valid current student identification card, a valid driver's license, vehicle registration from Vermont or another state, and proof of residency on the designated street, section of street or abutting corner parcel. Residents without a license can prove residency on the designated street by showing a valid written lease, current utility bill, or by being listed on the official voter registration list for the City of Burlington.
- (2) *Small businesses.* Upon showing of proof of business occupancy, owners and employees of small businesses on streets designated "residential parking" only will be considered residents and issued a resident parking permit if sufficient off-street parking or metered long-term parking at the business location is not available. The conditions of the business' zoning permit must be used to determine if a business has sufficient, available off-street parking at its location. The owner or employee(s) will be issued a choice of a residential street sticker or a guest parking card. Customers of these small businesses may legally park on the street under the authority of the permit.
- (3) *Display of stickers.* Residential street stickers shall be affixed to vehicles on the left-hand side of the rear bumper and shall be visible without obstruction at all times. In order to be valid the sticker must have the resident street name affixed to it.
- (4) *Car share organizations.* Valid car share organizations shall meet the following criteria:
 1. Require users to be members of the car share organization.
 2. Provide ubiquitous self-service access to all, or most, of a shared fleet of automobiles at locations not staffed by the car-share service organization.
 3. Encourage short-term, local trips and discourage users from driving more than necessary.
 4. Provide its members automobile insurance that exceeds the State-mandated minimum when its members are using car share vehicles and shall assume responsibility for maintaining car share vehicles.

Upon showing proof of a valid Vermont registration for the vehicle(s) involved, car share organizations meeting the appropriate criteria will be issued one residential street sticker per vehicle. This sticker will be valid on all streets, or portions thereof, that are designated "resident parking only".

- (5) *Fraternities, sororities and dormitories.* Upon showing proof of residency, residents of fraternities, sororities and dormitories upon properties separate and distinct from institutions and which abut on designated streets will be issued a permit and a

residential street sticker for each resident's registered vehicle. Each of these buildings may receive 2 guest parking cards plus 1 guest parking card per 4 adult residents over 10 residents per building, subject to a maximum of seven 7 guest cards per building.

- (6) *Guest parking cards.* Guest parking cards are only for use by persons visiting a residence. All guest parking cards shall be displayed at all times without obstruction on the lower left-hand corner of front window of guest's vehicle.
- (7) *Nonstreet resident property owner.* A nonstreet resident property owner on a designated street will be issued a resident parking permit and a choice of a residential street sticker or guest parking card upon presentation of a property tax bill, valid driver's license and valid vehicle registration.
- (8) No permits will be issued to an individual or care share organization with outstanding parking tickets, unless the ticket is being contested in court.
- (9) *Designation of area.* Only streets within the following designated areas may be designated for resident-only parking. Those areas are:
 1. Bounded by North Street, Willard Street, Main Street, Union Street, Beech Street, Deforest Road, Deforest Heights and generally the city limits to the east, but not including Willard and Union Streets where these streets define the boundary, except that resident-only parking may be imposed on South Willard Street from Cliff Street to Howard Street and in front of 331, 325, 321 and 309 South Willard Street.
 2. Bounded to the north by Main Street from South Union Street to Battery Street, not including Main Street. Bounded to the east by South Union Street from Main Street south to Saint Paul Street, including South Union Street. Bounded to the south by Maple Street from Saint Paul Street west to Battery Street, including Maple Street. Bounded to the west by Battery Street from Main Street south to Maple Street, not including Battery Street. Also bounded to the west by Saint Paul Street from Maple Street south to South Union Street, not including Saint Paul Street.
 3. Bounded to the north by North Street, but not including North Street. Bounded to the east by North Union Street, including North Union Street. Bounded to the south by Pearl Street, but not including Pearl Street. Bounded to the west by North Avenue, but not including North Avenue.
 4. All deadend streets.
 5. Bounded to the north by North Street, but not including North Street. Bounded to the east by South Willard Street, but not including South Willard Street. Bounded to the south by College Street, but not including College Street. Bounded to the west by two streets: North Union Street from North Street south to Pearl Street, but not including that section of North Union Street. Entire length of Orchard Terrace, including Orchard Terrace.
 6. Adoption of car share parking spaces can be extended to all areas of the city and are not restricted to any residential parking zone adoptions.
 7. Bounded to the north by Flynn Avenue, but not including Flynn Avenue. Bounded to the east by Oakbeach Drive, including Oakbeach Drive. Bounded to the south by Austin Drive, but not including Austin Drive. Bounded to the west by the city limits.

(Reg. of 10-10-90; Reg. of 11-28-90; Reg. of 12-12-90; Reg. of 1-30-91; Reg. of 1-7-92; Reg. of 2-19-92; Reg. of 6-27-92; Regs. of 7-29-92; Reg. of 11-4-92; Reg. of 5-5-93; Reg. of 8-18-93; Reg. of 12-15-93; Regs. of 6-22-94; Reg.

of 8-10-94; Reg. of 10-19-94; Reg. of 12-14-94; Regs. of 6-28-95; Reg. of 12-10-96; Reg. of 9-15-99; Reg. of 10-27-99; Reg. of 12-15-99; Reg. of 1-19-00; Regs. of 3-22-00; Reg. of 5-3-00; Reg. of 10-4-00; Reg. of 2-7-01; Reg. of 8-8-01; Reg. of 12-6-01; Reg. of 12-17-01; Reg. of 8-13-03; Reg. of 10-7-03; Reg. of 12-10-03; Reg. of 5-19-04; Regs. of 7-7-04; Regs. of 10-13-04; Reg. of 11-17-04; Reg. of 1-12-05; Reg. of 9-7-05/10-12-05; Reg. of 4-12-06/5-17-06; Reg. of 6-11-08(4); Reg. of 7-9-08(2), eff. 8-20-08; Reg. of 9-10-08(3), eff. 10-15-08; Reg. of 10-8-08, eff. 11-5-08; Reg. of 11-12-08(4), eff. 12-17-08; Reg. of 3-11-09(5), eff. 4-29-09; Reg. of 3-11-09(10), eff. 5-27-09; Reg. of 12-14-09, eff. 2-3-10; Reg. of 9-10-10, eff. 10-19-11; Reg. of 4-18-12(3), eff. 5-23-12)

Editor's note—

Traffic regulations adopted Aug. 18, 1993, amended App. C, § 27(a) by adding provisions designated as subsection (21). Since § 27(a) already contained a subsection (21), the editor has redesignated these new provisions as (22).

Traffic regulations adopted Oct. 19, 1994, and Dec. 14, 1994, amended § 27(a) by adding provisions designated as subsections (25) and (26), respectively. Inasmuch as there already existed a subsection (25), these new provisions have been redesignated as subsections (26) and (27).

PROPOSED

Sec. 27. No parking except with resident parking permit.

No person shall park any vehicle except vehicles with a valid residential street sticker or a valid ~~[guest]~~ visitor parking card, or clearly identifiable service or delivery vehicles that are servicing a residence or making a delivery on any street designated as "residential parking only".

(a) through (e) As written.

(f) Permits. The following persons shall be eligible to hold a resident parking permit for that street which is designated "resident parking only": residents of the street or portions thereof, including an abutting corner parcel, owners of property on such a street who do not reside on such a street, car share organizations meeting the criteria of this regulation, and medical caregivers of residents of a street designated for "resident parking only." Only persons holding a residential parking permit may be eligible to receive the required residential parking sticker. The Police Department is hereby designated as the department responsible for regulating and administering the issuance of "resident parking only" permits and stickers. The department may establish an administrative fee to offset the cost of administering this program, provided the fee is approved by the City Council in the city's budget process. In order to hold a permit, display the sticker, and legally park on streets, or portions thereof, that are designated as "resident parking only," an eligible person must apply for a permit, pay any applicable administrative fee, present such proof of residence in the designated area as may be required by the department, and comply with the rules established by the department. [shall issue resident parking permits only to residents of streets, or portions thereof, that are designated "resident parking only" for parking on that street pursuant to subsection (g).] [In addition, the Police Department shall issue resident parking permits to "car share organizations" for parking on all streets, or portions thereof, that are designated "resident parking only," pursuant to subsection (g).] The Police Department may establish written rules to implement the issuance of permits, stickers, and visitor cards. Such rules may address, but are not limited to, the establishment of time limits, revocation of permits, documents required to prove residency, authority to suspend enforcement for special occasions, dismissal of tickets during application process, creation and use of an application form, fees for permits, and the issuance of temporary visitor parking cards. All rules shall be approved by the Public Works Commission.

(1) [Except as otherwise provided in subsection (g), the holder of the permit] A resident who holds a residential parking permit shall receive a residential street sticker for each vehicle registered in the resident's name, provided that the number of stickers issued per dwelling unit does not exceed four (4). No sticker shall be issued to a resident of a dwelling unit if 4 such stickers have already been issued. A resident whose vehicle is registered in a family member's name is eligible to receive a residential street sticker for that car provided the vehicle is being regularly parked and used by the resident at the residence. [unless the holder] A resident who does not own a vehicle [in which case no sticker] will not be issued a sticker. A resident may be eligible for a temporary resident permit provided the owner is in compliance with all applicable resident parking rules.

(2) A maximum of 2 visitor [guest] parking cards shall be issued to each eligible dwelling unit [household] for which a resident permit has been issued.

(3) The owner of property on a street, or portion thereof, which has been designated "resident parking only" who does not reside on the street shall be eligible for a residential parking permit. Upon the issuance of a resident parking permit, the owner shall receive a residential street sticker and at the owner's option either a residential street sticker or a visitor parking card. This permit and sticker are for the purpose of parking on the street while the owner and owner's agents are at the property and shall not be used for another purpose. This owner may also be eligible for a temporary resident parking permit provided the owner is in compliance with all applicable resident parking rules.

(4) A medical caregiver permit shall be issued upon showing proof as required by the department that a contract for medical caregiver services exists between the resident and caregiver.

(g) Specific conditions:

- (1) *Proof of residency.* [Proof of residency shall include a valid Vermont driver's license with an address on the designated street, section of street or abutting corner parcel and a valid Vermont registration for the vehicle(s) involved. For students, proof of residency shall include a valid current student identification card, a valid driver's license, vehicle registration from Vermont or another state, and proof of residency on the designated street, section of street or abutting corner parcel. Residents without a license can prove residency on the designated street by showing a valid written lease, current utility bill, or by being listed on the official voter registration list for the City of Burlington.] Residents applying for a resident parking permit must submit an application and provide proof of residency as required by department rules.
- (2) Upon showing of proof of business occupancy, owners and employees of small businesses on streets with designated "resident parking" only will be considered residents and issued a resident parking permit if sufficient off-street parking or metered long-term parking at the business location is not available. The conditions of the business' zoning permit must be used to determine if a business has sufficient, available off-street parking at its location. The owner or employee(s) will be issued a choice of a residential street sticker or a [guest] visitor parking card. Customers of these small businesses may legally park on the street under the authority of the permit.
- (3) *Display of stickers.* Residential street stickers shall be affixed to vehicles on the left-hand side of the rear bumper and shall be visible without obstruction at all times. In

order to be valid the sticker must have the resident street name affixed to it.

- (4) *Car share organizations.* Valid car share organizations shall meet the following criteria:

1. Require users to be members of the car share organization.
2. Provide ubiquitous self-service access to all, or most of, a shared fleet of automobiles at locations not staffed by the car share service organization.
3. Encourage short-term, local trips and discourage users from driving more than necessary.
4. Provide its members automobile insurance that exceeds the State-mandated minimum when its members are using car share vehicles and shall assume responsibility for maintaining car share vehicles.

Upon showing proof of a valid Vermont registration for the vehicle(s) involved and compliance with department rules related to the issuance of permits, car share organizations meeting the ~~[appropriate]~~ criteria will be issued one residential sticker per vehicle. This sticker will be valid on all streets, or portions thereof, that are designated "resident parking only".

- (5) *Fraternities, sororities and dormitories.* ~~[Upon showing proof of residency]~~ Upon complying with department rules related to the issuance of permits, residents of fraternities, sororities and dormitories upon properties separate and distinct from institutions and which abut on designated streets will be issued a permit and a residential street sticker for each resident's registered vehicle. Each of these buildings may receive 2 ~~[guest]~~ visitor parking cards plus 1 ~~[guest]~~ visitor parking card per 4 adult residents over 10 residents per building, subject to a maximum of seven 7 guest cards per building.

- (6) ~~[Guest]~~ Visitor parking cards. ~~[Guest parking cards are only for use by persons visiting a residence.]~~ A person who is not a resident of a street, or portion thereof, which has been designated for "resident parking only" or who does not own a property on such a street may only park on the street by displaying a visitor parking card. Such a card shall only be used while either visiting the dwelling unit to which the visitor card was issued, or attending a function or event off-site with an individual of the dwelling unit to which the visitor card was issued; visiting does not include parking for purposes of commuter parking for school or work or visiting a person who has not been issued a resident parking permit. The use of a visitor's parking card by a resident of a parking permit area is prohibited. All [guest] visitor parking cards shall be displayed at all times without obstruction on the lower left-hand corner of front window of guest's vehicle with the permit information visible

through the window and easily readable. It is prohibited for anyone to make a copy of a visitor parking card for use.

- (7) Proof of ownership of property by an owner who does not reside on the property.
~~Nonstreet resident [property] owner.~~ [A nonstreet resident][property] An owner of property on a designated street who does not reside on that street will be issued a resident parking permit and a choice of either a residential street sticker or [guest] visitor parking card upon presentation of a property tax bill, valid driver's license and valid vehicle registration.
- (8) No permits will be issued to an individual or car share organization with outstanding parking tickets, unless the ticket is being contested in court.
- (9) Designation of area. As written.

5/3/13; 5/28/13

Burlington Police Department
Resident Parking Program Rules

Article I. Permit Applications

1. All applicants for a permit must complete the department's application form and provide the information requested on it.
2. All signatures on the application form must be notarized.
3. All applicants must provide documentary evidence of residency on the street for which a permit is being requested.
4. The department shall have the right to verify all information provided in the application submitted to it.

Article II. Proof of residency

Acceptable documents to prove residency are:

- a) Valid driver's license with the resident parking street address noted on DMV records; or.
- b) Vermont issued ID with the resident street noted on it; or
- c) Valid motor vehicle registration with resident parking street address noted on DMV records; or
- d) Current rental or lease agreement identifying residence (including an apartment number where applicable) and applicant's name or a statement of occupancy by the record owner. When no written agreement has been entered into, such statement must have owner contact information stated in it; or
- e) City record indicating ownership or residency such as tax bill, Assessor's records or Code Enforcement records; or
- f) Utility bill identifying residence and applicant; or
- g) Current vehicle insurance policy; or
- h) Any other similarly valid document with the resident street noted on it.

Article III. Terms, Expiration and Revocation of Permits

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1. Permits to property owners shall be valid for up to 2 years. Owners who reside on the street shall provide proof of ownership of the property and residency on the street to be eligible to be issued a permit. Owners who do not reside on the street shall provide a property tax bill, valid driver's license and valid vehicle registration to be eligible to be issued a permit.
2. Non-property owners who provide proof of residency on the street shall be issued permits that are valid for the term of their residency up to 2 years.
3. Residents who reside at a property based on an oral agreement shall be issued permits for a term based on the length of the tenancy up to one year.
4. Any permit, residential parking sticker, caregiver permit or visitor parking card may be revoked or suspended for a reasonable period for violation of the resident parking program's regulations or rules.
5. A permit, sticker or visitor card shall automatically expire if the resident ceases to live at or own the residence for which the permit was issued.

Article IV. Replacement of visitor parking cards; transfer of residential parking sticker; voiding of tickets.

1. Visitor parking cards that are lost will not be replaced. If stolen and reported as stolen, a visitor parking card will be replaced.
2. In the event a visitor parking card becomes unreadable or partially destroyed, it may be replaced upon presentation of the old card.
3. A new residential parking sticker may be issued to a new vehicle upon surrendering the old sticker to the department.
4. A person may have up to 3 resident parking tickets that were issued on the resident street prior to the application process voided as long as: (a) the person was a resident of the street or was an owner of property on the street who did not reside on the street at the time, (b) the person has filed an application for a resident permit and (c) the tickets are less than 30 days old.

Article V. Temporary resident parking permits; Temporary visitor parking cards.

1. An applicant for a residential parking permit whose vehicle has a temporary registration shall be issued a temporary resident parking card valid for up to 30 days as a temporary substitute for a sticker. When the applicant gets the permanent registration, s/he must return to the Police Department for a residential parking sticker or a visitor parking card for owners who do not reside on the street.

2. A resident with a resident parking permit may be issued temporary visitor parking cards in addition to the 2 cards issued to the unit for a special activity being conducted on the property, provided the resident provides 24-hour advance notice to the Police Department.

Article VI. Caregiver permit.

1. A resident may be issued a caregiver permit to accommodate the vehicle of a necessary medical care provider.
2. To be eligible a resident must complete and provide the following information about the caregiver on the application: name, license number, vehicle registration and employer. The resident must provide the medical caregiver contract or an affidavit as part of the application.

DRAFT

DRAFT

CITY OF BURLINGTON
RESIDENT PARKING PERMIT APPLICATION
ONE NORTH AVENUE
BURLINGTON, VERMONT 05401
(802) 540-2380

DRAFT

TO BE COMPLETED BY PROPERTY OWNER

PROPERTY OWNER:

PRINT NAME

PROPERTY OWNER ADDRESS:

PROPERTY OWNER PHONE

Office:

Cell:

PROPERTY OWNER EMAIL ADDRESS:

APARTMENT NUMBER:

APARTMENT STREET ADDRESS:

CURRENT LEASE:

Starts:

Ends:

PROPERTY OWNER SIGNATURE:

STATE OF VERMONT:

County:

Subscribed and sworn before me:

Notary:

Date:

TO BE COMPLETED BY TENANT

TENANT NAME:

PRINT NAME

TENANT PHONE:

Office:

Cell:

TENANT E MAIL ADDRESS:

Registration

Number

State:

Vehicle Type:

Auto

Truck

Mtc

Drivers License Number:

State:

TENANT SIGNATURE

STATE OF VERMONT:

County:

Subscribed and sworn before me:

Notary:

Date:

OVER

TO BE COMPLETED BY CAREGIVER

Caregiver Name: _____

Printed

Proof of caregiver contract:

Y N

Caregiver Organization: _____

Organization Phone Number: _____

Caregiver Signature: _____

STATE OF VERMONT:

County: _____

Subscribed and sworn before me:

Notary: _____

Date: _____

STAFF USE ONLY:

CURRENT VEHICLE STICKERS ISSUED: _____

CURRENT VISITOR PASSES ISSUED: _____

PERMIT START DATE: _____

PERMIT END DATE: _____

PERMIT NUMBER: _____

Number

\$10.00 Fee

\$

VISITOR PASS #1

Number

\$10.00 Fee

\$

VISITOR PASS #2

Number

\$20.00 Fee

\$

UNPAID TICKETS:

Y N

TICKET DUE:

\$

TOTAL DUE:

\$

VERIFIED LEASE:

Y N

VERIFIED PROPERTY OWNER INFO

Y N

VERIFIED TENANT INFO

Y N

VERIFIED CAREGIVER INFO

Y N

CLERK: _____

6/4/2013

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-01 Residential side/Rear Yard Setback Encroachments

As proposed by the Planning Commission

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications:

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming ~~single family homes and community centers (existing enclosed spaces only)~~ that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,
- iii) Be compatible with the character and scale of surrounding structures.

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Balance of 5.3.5 as written.

* Material ~~stricken-out~~ to be deleted.

* Material underlined added.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-14-XX – RCO-Recreation/Greenspace

As proposed by staff

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance is to provide more flexibility for management and activities of urbanized greenspaces including City Parks by exempting certain activities from requiring zoning permits and allowing for greater lot coverage to recognize actual and future improvements.

Sec. 4.4.6 Recreation, Conservation and Open Space Districts

(a) Purpose – *unchanged*

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.6 -1 Dimensional Standards and Density

District	Lot Coverage ¹	Setbacks ¹			Height ¹
		Front	Side ²	Rear ²	
RCO-A	5%	15'	10%	25%	35'
RCO-RG	<u>25%</u> ³	15'	10%	25%	35'
RCO-C	5%	15'	10%	25%	25'

1. See also exceptions to lot coverage, setbacks and maximum height in Article 5.

2. Percentages figure refers to either a percentage of lot width, 10% in the case of side yard setbacks, or lot depth of 25% in the case of rear yard setbacks.

2.3. Maximum lot coverage for City Hall Park, Battery Park and Perkins Pier shall be 35%.

(c) Permitted and Conditional Uses– *unchanged*

(d) District Specific Regulations

The following regulations are district-specific exemptions, bonuses, and standards unique to the RCO districts. They are in addition to, or may modify, city-wide standards as

provided in Article 5 of this ordinance and district standards as provided above in Tables 4.4.6-1.

1. Lot Coverage Exemption for Agricultural Structures.

The maximum allowable coverage may be increased to ten percent (10%) in the RCO-Agricultural District for agricultural structures subject to approval by the DRB.

2. Exemptions for Tree removal and Turf Maintenance in City Parks.

- i. Regular tree maintenance and removal not otherwise associated with land clearing for new development or site improvements, and regular turf maintenance including re-grading and reseeding shall be exempt from the requirement to obtain a zoning permit.

Burlington Planning Commission

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www.burlingtonvt.gov/planning

Yves Bradley, Chair
Bruce Baker, Vice-Chair
Andrew Saba
Lee Buffinton
Harris Roen
Andy Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member



Burlington Planning Commission Minutes

Tuesday, July 09, 2013 - 6:30 pm

PC Present: Y. Bradley, B. Baker, H. Roen, L. Buffinton, J. Wallace-Brodeur, E Lee

Absent: A Montroll

Staff: D. White, E. Tillotson

I. Agenda

No changes.

II. Public Forum

Y. Bradley – Opened the public forum at 6:35 pm.

Y. Bradley – Closed the public forum at 6:35 pm.

III. Report of the Chair

The Chair reported:

- He has had the pleasure of a phone conversation with C. Flynn who is not happy with the Planning Commission decision regarding zoning in the UVM area. He has indicated that he will return to the Planning Commission with recommendations about how to modify zone description.
- Is a member of BARRA, the statewide brownfield alliance instituted by Governor Shumlin, the second meeting was held on site at Pine Street in an attempt to understand site. It is not presently a superfund site, the goal being to look at development potential. A grant was awarded to the owner of the property in the amount of \$60,000 to begin to understand what the contamination line is.

L. Buffinton: Is the site cleaned up, no longer superfund?

Y. Bradley: No, although it is not actually a superfund site any longer. It has been a long road to come to an agreement with assurances with no negative impact on the site.

He has received a communication from Chip Mason who has read Zoning Amendment 13-08 which affects the King Street Youth Center.

L. Buffinton: Has the ordinance been reviewed by the city attorney?

D. White: Yes, there will be more discussion of this later.

IV. Report of the Director

The Director reported that:

- It is the turn of the fiscal year so the department has been transitioning from the old budget to the new budget. He has the same comment as usual which is that it has been the busiest year

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ever with more permits issued with a crazy fourth quarter. The department exceeded its budget projections by approximately \$125,000.

- At the last Planning Commission meeting, we discussed the team from Global Green which was here looking at the Pine Street corridor during which time they conducted numerous public community activities. Global Green was here under a grant to examine emerging neighborhoods. LEED-ND rating system for neighborhoods was applied to their research. It is interesting to use those criteria as a score card for analysis. There will be a written report in six weeks.
- As part of that BARRA project at 501 Pine Street, the Railyard Enterprise Project, and the EPA Area Wide grant, a scope of work will be developed to do a planBTV like project for the Pine Street Corridor. This is a location where the city which needs the most immediate work given its rapid evolution. Staff has been working on the development of a scope of work and budget.
- The City Council also asked the Planning Department for a plan for the Urban Reserve which staff has been working on the development of a scope of work and budget.

Y. Bradley: In the south end enterprise district, residential development is not allowed by ordinance. An in depth discussion with the public will be necessary during the planning process. The south end is vibrant and changing. Walking or biking to work are desirable characteristics, especially since their lack of availability make living here more expensive than San Francisco or Boston.

D. White: The Global Green team has ideas for models around which planning could proceed with modifications. One goal is ensuring affordability of studio/artisan spaces. Another possibility is of upward expansion of buildings.

- Recently numerous City staff met with the Food Council, Conservation Law Foundation and others to examine recommendations from the Urban Agriculture Committee.

Y. Bradley: Apologizes for not being at the last meeting.

V. Annual Organizational Meeting

Chair: **On a motion by H. Roen, seconded by L. Buffinton, the Commission unanimously elected Y. Bradley as Chair.**

Vice-Chair: **On a motion by H. Roen, seconded by J. Wallace-Brodeur, the Commission unanimously elected B- Baker as Vice-Chair.**

Executive Committee At-Large Member: **On a motion by J. Wallace-Brodeur, seconded by E. Lee, the Commission unanimously elected A. Montroll.**

Appointment of Commission Clerk: The Chair appoints E. Tillotson clerk for the Board.

Appointment of Committees:

- Ordinance Committee – No Changes
- Long Range Planning Committee – E. Lee appointed
- Executive Committee – No Changes

VI. Zoning Amendments ZA 13-05, ZA 13-08, ZA 13-09 Review

D. White: **ZA-13-05** and **ZA-13-09** have passed through the Council's Ordinance Committee and are returning to City Council unchanged from the Commission's recommendation. **ZA-13-08** however has been changed – first at a meeting on 13 June, and then again on 26 June after a request by a Councilor to reconsider. As a result, the Committee modified the amendment to allow for only a single family home

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or community centers to be eligible for a vertical expansion of an existing encroachment into a side or rear setback.

L. Buffinton: It seems odd that a little duplex couldn't take advantage of this amendment. She is surprised, it sounds like spot zoning.

Y. Bradley: The question is where to draw the line. The City Council needs to think about what they are doing, although the process still has DRB review.

J. Wallace-Brodeur: Agrees with L. Buffinton that accommodating the King Street Youth Center is important. Is there any rationale for only including single family residential and community houses in this amendment?

D. White: I think the rationale was to narrowly allow these encroachments. He agrees that duplexes or triplexes being allowed to expand upward is reasonable. The overall purpose is to enable the existing development pattern to continue in these residential areas. The CDO does not necessarily accurately reflect what is actually there.

E. Lee: Is the fifteen foot height limit for accessory buildings new? No.

Y. Bradley: Is the amendment arbitrary and capricious? He would like to understand the City Council rationale.

H. Roen: In situations where this could occur next to commercial buildings, the desire is not to increase encroachment.

Y. Bradley: The Adams School building was originally permitted for commercial use and then built up by adding three or four residential units above the existing floors.

E. Lee: If this were a neighbor with a porch in a dense neighborhood, there is protective language in the amendment which is also subject to DRB review.

L. Buffinton: This actually applies only to existing enclosed spaces

D. White: This is typically application to a back building, usually smaller in scale, but more apt to have encroachment issues.

B. Baker: This is a little step for allowing people to age in place which is an important issue. The City needs to embrace those possibilities for alternative flexible housing. This approach by the Committee seems to be a step opposite to form based code.

D. White: The Commission can take action tonight and send their perspective to the City Council. The public hearing is this coming Monday night, and if the Commission wishes their voices to be heard, speaking with individual councilors is best.

L. Buffinton: Can we request our communication to the City Council be read to the public at the hearing?

D. White: An example of allowing encroachment in a commercial building is Flynn Theatre for their loading dock.

H. Roen: The King Street Youth Center has a patron ready to go on this project.

Y. Bradley: Staff brought this proposed amendment to the Planning Commission before anything was known about the King Street project.

B. Baker: Could the Center apply right now?

D. White: Yes.

B. Baker: They should jump on it.

D. White: Either myself or S. Gustin will be at the City Council meeting and we would speak on behalf of the Commission's position.

Y. Bradley: If the amendment is changed it needs re-warning for a new public hearing by the Council.

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Y. Bradley: Rereads Chip Mason's email.

J. Wallace-Brodeur: The King Street Center has reached an agreement with the neighboring property owner?

D. White: Yes but there are still encroachment issues at rear of the building. The rear yard is the south side of the property.

Y. Bradley: Suggests that the Commission send this proposed amendment back to the City Council with the recommendation that the original is preferable. As presently proposed, it just doesn't feel right.

L. Buffinton: Suggests that some simple sketches for examples as visuals would be helpful.

Y. Bradley: This feels more like spot zoning.

D. White: It is important that the councilors hear from Planning Commission members.

J. Wallace-Brodeur: Believes that the Commission has been doing excellent work and the recommendations to the City Council should tie in to the bigger picture as formulated by planBTV since those goals are reflected in the original amendment and it will work well with Form Based Code which will be adopted. Perhaps the Director could send some points to the Commission members to focus our discussions with the City Councilors.

Y. Bradley: The Commission has worked hard and carefully on the amendment.

B. Baker: Extensive dialogues between Planning Commission members have made for unanimous decisions on the amendment language.

E Lee: The process is new to her.

D. White: All actions related to this amendment are subject to design review.

On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission, with E. Lee and H. Roen abstaining, approved recommending the ordinance not be adopted as currently written and recommend the City Council adopt the previous version.

Y. Bradley: The Planning Commission feels strongly that the amendment as proposed should return to the City Council.

Y. Bradley: It is important to look at the broader picture thinking in terms of the Form Based Code. We must have faith in the DRB.

L. Buffinton: The coverage in table at the end of the document is in conflict. She would recommend increasing the maximum lot coverage in RM to 60% which is more realistic.

On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission approved recommending the proposal to the Commission's Ordinance Committee.

VII. Proposed Amendments

D. White: This amendment concerns lot coverage in the RCO-RG zone, and especially to City Parks. The genesis of this proposal was the Imagine City Hall Park design project which was done last year and at which time it was discovered that the park is grossly over the allowed lot coverage of 5%. After this discovery during the proposed redesign, the question was raised that consideration should be given to increasing the coverage in city parks, at the high school, at the right of way for the northern connector, Champlain Parkway, and other similar properties. The proposal is to allow 25% coverage (higher coverage up to 35% possible for City Hall & Battery parks, and Perkins Pier) which could be modified by action of the Parks and Recreation Commission.

Another consideration is to create exemptions to tree maintenance and/or removal and disturbance of soils for greens maintenance.

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L. Buffinton: Waterfront Park is in the RCO-RG zone, what is its coverage ratio? The Parks and Recreation Commission could increase or decrease the coverage request? A City wide master plan would include plans for individual parks? There is concern that for some parks the green space needs protection through a fully explored process. The coverage explanation needs to be clearer.

D. White: The Parks and Recreation Committee wanted to make the coverage less.

E. Lee: My concern is parking, I don't want to see Waterfront Park paved over.

H. Roen: The challenge is the plan for City Hall Park which is not the same goal that I want.

D. White: City Hall Park is civic space, a central gathering place.

J. Wallace-Brodeur: I do believe in the public process. It might be good to tweak the description so the language is clearer and trust that the process will work. Or separate particular parks from parks in general if needed.

L. Buffinton: I'm thinking Battery Park is pretty green right now. Specific parks could be targeted.

Y. Bradley: Suggests going back to the Parks and Recreation Commission to ask for further clarification and refining of language.

J. Wallace-Brodeur: The first sentence of the # 3 footnote is not clear.

D. White: We could invite J Bridges, Parks Director, and the Parks and Recreation Commissioner for a meeting.

Y. Bradley: Let's table this amendment for further action.

VIII. Committee Reports

The Ordinance Committee and the Long Range Planning Committee have not met.

Executive Committee will be meeting soon.

IX. Commissioner Items

H. Roen: The contact list handed out has the wrong phone number for him.

J. Wallace-Brodeur: Same, Will notify the clerk with correct numbers.

D. White: August meeting schedules, the Planning Commission typically meets only once in August. It was jointly decided that the August 27th meeting will be removed from the schedule.

D. White: Is the Commission ready to do digital packets for the meetings? No – a couple of members still want paper

E. Lee: Wants to bring up the issue of a clean hands policy. She has received an email with details and will resend it to all members.

D. White: This clean hands policy relates to violations on a property and may include violations on other properties of the same owner. Staff has asked for assistance from the City Attorney with regard to implementing this.

B. Baker: If we are going to examine this possibility, it should be teamed with redefining the process of recording permits.

Y. Baker: It is important to make the policy broad and clean up the process.

Y. Bradley: Another matter is that we all need to try to find a youth member.

D. White: Our previous youth member was discovered through a Legacy project. The Commission should involve the Mayor's office also.

As approved by the Burlington Planning Commission on , 2013.

B. Baker: Should the Planning Commission have a meeting at the high school?

H. Roen: The Conservation Board had a process for a youth member and a board mentor.

X. Minutes and Communications

On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission unanimously approved the minutes of June 11 and June 25, 2013 as amended.

XI. Adjourn

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously adjourned the meeting at 8:15 pm.

Yves Bradley, Chair

Date

E Tillotson, recording secretary



HAUKE BUILDING SUPPLY, INC.

1127 North Avenue Suite 42
Burlington, Vermont 05408
(802) 658-6688

July 17, 2013

David E. White
Burlington Planning Commission
149 Church Street, City Hall
Burlington, VT 05401

RECEIVED
JUL 17 2013

DEPARTMENT OF
PLANNING & ZONING

RE: Ethan Allen Shopping Center Zoning Change Request

Dear David:

This letter is to ask for your consideration for a zoning change in the Ethan Allen Shopping Center. Currently the Center is zoned as a Neighborhood Activity Center. Over the past few years, commercial retail activity has been slow and we would like additional options to fill vacancies. We would like to offer some of the uses that the E-LM district offers. This would allow a little more flexibility with potential tenants and help us maintain a vibrant Center.

Diana Colangelo from the CEDO office has introduced us to a potential tenant who has expressed interest in the former Ethan Allen Cinema building. This building was on a land lease and has been vacant the past seven years. We have recently taken control of the building and would like to renovate it for a new use.

The tenant we are speaking with is The Electric Works. They would provide a fully equipped, professionally maintained and staffed, development and small manufacturing facility. This would include capabilities for precision metal machining, electrical fabrication, welding, woodworking, sewing and fiber arts, robotics, LED arts, lampworking, jewelry, computer-aided design, 3d printing, and more. They hope to offer a range of affordable, publicly-accessible classes, space and equipment rental. There are a growing number of these maker spaces around the country and they have been very successful.

The Electric Works would make a great addition to the Center as well as an asset to the community. Thank you for your consideration on this matter.

Sincerely,

David G Hauke

